

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
July 28, 2009
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Wedel, Trustees Gerry Pfirsch, Jim Wollack, Liberta Hattel, Tony Carey and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Planning Director Jennifer Simmons, Engineering Director Dick Leffler and Assistant to Town Administrator Jordan Eichem. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:03 p.m.; role call was taken and all Trustees were present.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS TO THE AGENDA There were no additions to the agenda.

PUBLIC COMMENT

No one was signed up to speak during Public Comment.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Home Rule, Miners Memorial Day 2009, Harvard Kennedy School, and Upcoming Board of Trustee Work Sessions. The Administrative Services Department provided information about the new phone system. From the Engineering Department information was given about Building Permit Activities, Caselle Software Integration, and Carbon Valley Transit Feasibility Study Grant. The Finance and Human Resources Department provided information about the Internal Systems Overhaul and a Recruitment Update. The Planning Department gave information about the Downtown Development Study and the new Frederick High School Project. From the Police Department information about the new Police Officer and Chief Gary Barbour acting as Town Administrator was provided to the Board. Information about the Kinetic Art project was provided to the Board by the Town Clerk's Department.

After the written Administrative Report was provided to the Board of Trustees, Town Administrator Derek Todd, provided a verbal presentation about his experience at Harvard Kennedy School in xxxxxx

Town Engineering Dick Leffler introduced new hire Richard Nickson, who will be the Town's Storm Water Engineer. Nickson is from Buckeye Arizona, so he has a Municipal background.

Town Attorney Report Town Attorney Rick Samson, provided the Board of Trustees with a written Status Report. Samson updated the Board regarding the status of the purchase of the Wysock property. The information provided included the process of selling the property which includes the cost of the property, attorney fees and all costs associated with the purchase of the property. After further discussion the Board directed staff to supply the Board with additional options regarding the sale of the Wysock property.

ACTION AGENDA

AM 2009-070, To Consider an Appointment to the Frederick Cultural and Performing Arts Commission Deb MacNeil applied for the Frederick Cultural and Performing Arts Commission; MacNeil has a strong interest in music and would like to share her talent and ideas with the Commission and citizens of Frederick. Motion by Trustee Schiers to appoint Deb MacNeil to the Frederick Cultural and Performing Arts Commission, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

AM 2009-066, To Consider an Ordinance Amending the Frederick Municipal Code Water Shut-Off Date At a past Board meeting the Board requested staff to consider changing the shut-off dates to one routine day, instead of the variable shut-off day. The proposed defined shut-off day is scheduled for the first Tuesday of every month. Staff indicated having the shut-off day being Tuesday, would prohibit citizens having their water shut off over the weekend. The ordinance states the resident needs to pay the past due water bill by noon on Tuesday, prior to shut-off. Motion by Mayor Pro Tem Wedel to adopt Ordinance #1005, AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING THE TOWN OF FREDERICK MUNICIPAL CODE, 1992 THROUGH ADOPTION OF REVISED TOWN UTILITY FEE COLLECTION PRACTICES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH, Trustee Wollack seconded the motion, motion carried unanimously.

AM 2009-064, To Approve a Resolution Setting the Public Hearing for the Saint Dimitrie Annexation The applicant requested a public hearing be scheduled for consideration of the proposed annexation and zoning for a 4.62 acre parcel of land at the northeast corner of the intersection between Highway 52 and Puritan Lane. Staff reviewed the application and found the application is substantially in compliance with the applicable provisions of the Land Use Code. Motion by Trustee Pfirsch to approve Resolution 09R0032, A RESOLUTION OF INTENT TO ANNEX CERTAIN PROPERTIES IN WELD COUNTY, COLORADO TO THE TOWN OF FREDERICK, SAID ANNEXATION TO BE KNOWN AS "THE NEW SAINT DIMITRIE CHURCH, Trustee Wollack seconded the motion and motion carried unanimously.

AM 2009-065, To Approve a Resolution Setting the Public Hearing for the Town of Frederick Miscellaneous Annexations The Weld County Commissioners and the Town of Frederick Mayor Eric Doering have requested that a public hearing be scheduled for consideration of the proposed various annexations which involve 20.915 acres. The 20.915 acres includes 17.715 acres of road right-of-way and 3.206 acres of orphaned land around the Town of Frederick. Staff reviewed the petition and application for the various annexation in substantial compliance with the applicable provisions of the Land Use Code. The public

hearing will be set for September 8, 2009. Motion by Trustee Carey to approve Resolution 09R033, A RESOLUTION OF INTENT TO ANNEX CERTAIN PROPERTIES IN WELD COUNTY, COLORADO TO THE TOWN OF FREDERICK, SAID ANNEXATION TO BE KNOWN AS THE "2009 ORPHAN RIGHT OF WAY AND PARCEL ANNEXATIONS, Mayor Pro Tem Wedel seconded the motion and motion carried unanimously.

AM 2009-067, Acceptance of the 2008 Audit as Prepared by Dan Schommer, C.P.A. of Watkins & Schommer, Inc. The audit was performed the last week in April for Year 2008. After verifying and analyzing the financial information provided by the Finance Department, the auditor provided the Year 2008 Audit report for the Board of Trustees to accept. Dan Schommer, Watkins & Schommer, Inc. verbally reviewed the Year 2008 Audit Report with the Board and also the Management Letter. Motion by Trustee Wollack to accept the Year 2008 Audit Report presented by Watkins and Schommer, Trustee Schiers seconded the motion and motion carried unanimously.

AM 2009-069, To Accept a Proposal from Watkins & Schommer to Audit the 2009 Financial Statements of the Town of Frederick for an Amount not to Exceed \$7,300 The auditor's role is to conduct an independent audit and render an unbiased opinion on the fair presentation of the financial statements. Staff indicated that Watkins & Schommer, Inc. fits the role and is familiar with the Town's operations. Motion by Trustee Wollack to engage Watkins & Schommer, Inc to complete the Year 2009 Audit for the Town of Frederick, Trustee Carey seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Wollack to approve the Consent Agenda with the following items; AM 2009-068, Consider Acceptance of Dedication of Public Rights-of-Way for Weld County 16.5, Trustee Pfirsch seconded the motion and motion carried unanimously.

Approval of List of Warrants for July 28, 2009 There was a question in regard to the check to Halleck Enterprises, for the lease agreement for land adjacent to the Public Works Building. Motion by Mayor Pro Tem Wedel to approve the list of bills as amended (pulling the Halleck Enterprises check), Trustee Pfirsch seconded the motion and motion carried unanimously.

Approval of the July 14, 2009, Regular Meeting Minutes Trustee Hattel amended the July 14, 2009, minutes under Public Comment to read "Coach Larry Frank and Assistant Coach Rick Frank...". Motion by Trustee Wollack to approve the July 14, 2009, Regular Meeting Minutes, as amended, Trustee Pfirsch seconded the motion and motion carried unanimously.

DISCUSSION AGENDA

IM 2009-015, Frederick High School Update The Subdivision Amendment application that will create the lots for the new Frederick High School #8 was submitted June 18, 2009. Referral comments were received and minor changes will need to be made to the

plans. There was one outstanding issue of completing Surface Use Agreements with the affected oil/gas companies, Anadarko/Kerr-McGee and KP Kaufman. Representatives from the St. Vrain Valley School District will meet with Kerr-McGee as well as property owner Jon Lee, with CDG. Once the Surface Use Agreements are recorded and the minor changes are made, the Subdivision Amendment will be approved and recorded. Once there is approval, the Board of Trustees will need to take action on the Memorandum of Agreement that was cooperatively drafted by Town and District staff during the site selection process. The District's Board of Education has already considered and approved the document. District staff has met with Town and Fire District staff to do a preliminary review of the site plan. Once the final plans are prepared, the plans will be submitted to the State for official review. The District staff has also agreed to provide plans to the Town for review, although they are not required to do so. Ground breaking is scheduled for this fall.

MAYOR AND BOARD REPORTS

Trustee Carey had nothing to report.

Trustee Hattel voiced her concerns about the weed issues at Bobcat Street and Weld County Road 20 and also Weld County Road 13 and 16.

Trustee Pfirsch provided upcoming DRCOG meeting dates and events. Trustee Pfirsch also made comment about the weed violations around town, both on Town's property and private property. A thank you to Chairperson Laura Brown for her leadership in completing the Home Rule Charter process. Trustee Pfirsch also made comment about the Town's process of collecting 10% of the development cost for retainage; Trustee Pfirsch would like to see other options the Town use for this situations.

Trustee Wollack had nothing to report.

Trustee Schiers made comment about the lack of communication from the Town and would like to see staff use the new billing statements as a form of communication with the public. Trustee Schiers inquired about the statements to be used to notify the citizens of public hearings coming up in the month.

Mayor Pro Tem Wedel indicated there was the possibility of the Town and other municipalities submitting for a Department of Local Affairs grant to help pay for infrastructure, which has not been paid by the developer. Mayor Pro Tem Wedel made comment about finishing the Legacy Trail project once the property is within the Town's jurisdiction.

Mayor Pro Tem Wedel also voiced her concern about the lease agreement between the Town of Frederick and Cheljack (Bella Rosa Golf Course/Clubhouse) being in compliance.

Mayor Doering made comment about Mayor Pro Tem Wedel and Trustee Pfirsch attending the UpState Colorado meeting, thanked Home Rule Chairperson Laura Brown for the great job she has done during the Home Rule Charter process. Mayor Doering reminded

the Board of the annual Board/Staff retreat scheduled for August 6th and 7th; a representative from HMRC will be facilitating this year's retreat. The Mayor Doering made comment about meeting with Erie's Mayor, the Intergovernmental Agreement between the Town and Boulder County and the signage on a van at 1st Street and Colorado Boulevard.

There being no further discussion, Mayor Doering closed the regular meeting at 9:11 p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor